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CORRESPONDENCE
INCOMING LETTER

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SCHASSBURGER

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February 15, 1994

94-RF-01654

Martin H. McBride
Acting Manager
Environmental Restoration
DOE, RFO

Attn: R. J. Schassburger

TRANSMITTAL OF ACCELERATED SOILS IM/IRA PROPOSAL - SGS-098-94

The attached approach to accelerate soils Interim Measures/Interim Remedial Actions (IM/IRA) is an outcome of the Environmental Restoration strategic planning process. The primary objective of this proposal is the development of a streamlined IM/IRA process that would address early removal actions in soils. The basic premise of the proposal is that for simple soil removals or capping, many of the selection criteria and remedies can be predetermined and preapproved. The decision document resulting from this proposal would allow for actions to be taken on any Individual Hazardous Substance Sites which meet the criteria set forth in that decision document. It is hoped that the emplacement of this process will facilitate these early removal actions and be used for both near term and future actions.

With your approval, it is recommended that this proposal be transmitted to the regulatory agencies as soon as possible. Their continued input and acceptance of this approach is critical to its success. If you have any questions or would like more information, please feel free to contact Mark Buddy of my staff at extension 8519.

SG Stiger

S. G. Stiger
Associate General Manager
Environmental Restoration Management

MSB:jlm

Orig. and 1 cc - M. H. McBride

Attachment:
As Stated

cc:
A. H. Pauole - DOE, RFO
M. N. Silverman - " "

Best Available Copy

ADMIN RECCRD

SW-A-003656

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NOTE: _____

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BY: _____ DATE: _____

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PROPOSAL FOR CREATION OF A SOIL REMEDIATION IM/IRA AT ROCKY FLATS PLANT

Based on review of the Strategic Planning Report "An Analysis for the Potential for Redirection of the Rocky Flats Environmental Restoration Program" dated October 8, 1993, the Department of Energy (DOE) is pursuing and evaluating a revised environmental restoration (ER) approach to accelerate the cleanup process and reduce costs without compromising the protection of either human health or the environment. One method to accelerate cleanup is through the use of an Interim Measure/Interim Remedial Action (IM/IRA) as described in Paragraphs 15 and 150 of the Rocky Flats Plant (RFP) Interagency Agreement (IAG). This is a proposal for the establishment of a Soil Remediation IM/IRA under the revised ER approach. Similar IM/IRAs for consolidating and implementing other like actions, such as tank removals and pad/sump removals, will be proposed in the near future.

The two basic premises of the Soil Remediation IM/IRA are to initiate early actions at individual hazardous substance sites (IHSSs) where the type, nature, and extent of contamination have been sufficiently characterized, and pursuing No Further Actions (NFAs) for IHSSs where the data indicate that contaminant levels are either non-existent or acceptable to warrant no further action. Excavation of contaminated soils or capping will be alternatives evaluated for selected sites where these actions are warranted. Excavated materials will be placed in permitted storage, for future treatment or disposal as warranted. Actions may be taken on a sitewide basis without OU boundary restrictions. IHSSs with insufficient characterization data may require Limited Field Investigations (LFI) prior to their inclusion in the IM/IRA.

Potential candidates will be selected based upon the following criteria:

- Risk
- Potential for contaminant migration
- Soil storage, treatment, and disposal availability
- Compatibility with future OU remedial actions
- Implementability
- Effectiveness
- Achievement of ARARs

Potential Early Actions (PEA) candidates for excavation under the Soil Remediation IM/IRA will consist of areas of soil with volumes less than 500 cubic yards which can be easily remediated without the use of on-site treatment. No size limitations are contemplated for actions involving capping. Candidate areas may be contaminated with hazardous and/or radioactive constituents and represent a risk to potential receptors.

After regulatory approval is received to conduct a Soil Remediation IM/IRA, a Soil Remediation IM/IRA Decision Document will be prepared. This Decision Document will contain the general requirements for execution of excavation or capping, transportation, storage and disposal, and the general engineering plans and specifications for each type of action. The criteria for a finding of NFA will also be included.

Following regulatory approval of the Decision Document, the specific action for each candidate will be detailed in an individual Implementation Document. Candidate areas with similar IM/IRA actions may be combined into a single Implementation Document. The Implementation Document will provide a brief summary of the site data, the details on the recommended action, and the Decision Document selection criteria for each action.

Small volumes (less than 5 cubic yards) of contaminated soil may be excavated and disposed/stored without issuance of an Implementation Document or other form of regulatory approval. These actions would be completed in accordance with the procedures established in the Decision Document.

Confirmatory sampling data will be collected, as per the IM/IRA, following all excavations for verification that the action has met IM/IRA standards and for inclusion into a feasibility study risk assessment, if necessary.

A Completion Report will be prepared for each action after all work is completed and analytical data are validated. The report will consist of a brief description of the work which was completed, analytical results and exceptions to the original plan. The Completion Report will be part of the permanent IM/IRA record and will be used by OU managers as input to the RI/FS process as appropriate.

The existing IM/IRA process at Rocky Flats is specified by the Interagency Agreement (IAG) in Section 2.B.10. Modification of some of these requirements is proposed in order to expedite the IM/IRA actions. These modifications are primarily related to the number and duration of regulatory review times. Attached is a proposed Memorandum of Agreement (MOA) for the Soil Remediation IM/IRA which could be used to modify the IAG requirements. The process proposed in the MOA is summarized in Figure 1.

It is hoped that the Environmental Protection Agency (EPA) and the Colorado DH will provide significant input and participation during the Decision Document preparation, thus expediting review cycles. Several other approaches to expedite this IM/IRA process are also being proposed. One overall health and safety plan for execution of the IM/IRA is being developed, and abbreviated site-specific plans for each location are being prepared. It is recommended that DOE waive the need for an environmental assessment since the Soil Remediation IM/IRA involves limited actions resulting in an improvement in environmental conditions at the affected sites. It is also recommended that DOE investigate the possibility of increased site-based

decision making. This would streamline internal program management and help to facilitate early cleanup activities. There are a number of significant issues which will be encountered as part of implementation of the Soil Remediation IM/IRA including:

- Impact of Land Disposal Restrictions (LDRs), the Final Debris Rule, and 90-day storage limits on the handling, processing, storage, and disposal of contaminated materials;
- Agreement between DOE, EPA, and CDH on ARAR identification and selection;
- The procedure and criteria for assessing existing risks at the candidate sites associated with the IM/IRA; and
- Availability of Permitted Interim Retrievable Storage.

It is recommended that DOE invite active participation by EPA and CDH to jointly resolve these issues through the use of (1) Corrective Action Management Units, waste piles, or waivers, and (2) simplified risk assessment criteria in order to expedite the Soil Remediation IM/IRA implementation. An aggressive goal of this proposal is to have this IM/IRA approved and the first action under way by September, 1994.

MEMORANDUM OF AGREEMENT

SOIL REMEDIATION INTERIM MEASURES/INTERIM REMEDIAL ACTIONS

1. Prior to the effective date of this Agreement, the provisions contained in the Rocky Flats Interagency Agreement (Agreement) dated January 22, 1991 between the Department of Energy (DOE), the Environmental Protection Agency (EPA), and State of Colorado (State), collectively known as the Parties, governed the initiation and implementation of Interim Measures/Interim Remedial Actions (IM/IRA). On the effective date of this Agreement, this Memorandum of Agreement shall control the initiation and implementation of the Soil Remediation IM/IRA.
2. The Parties agree that the Soil Remediation IM/IRA is necessary and appropriate. Any dispute raised by DOE concerning the Soil Remediation IM/IRA shall be resolved pursuant to Parts 12 or 16, of the Agreement as appropriate (Resolution of Disputes). Any disputes between EPA and State on the selection of an IM/IRA shall be resolved through the dispute resolution procedures of Part 27 of the Agreement. Unless otherwise specified in this Memorandum of Agreement (Memorandum) the term "days" refers to calendar days pursuant to Part 34 of the Agreement.

DOE, EPA and the State shall each provide a Representative as the designated point of contact for communications related to execution of the Soil Remediation IM/IRA. The designated Representatives for each of the Parties will be permitted to authorize changes in scope of work as field conditions warrant to limit delays in execution of remediation. Each representative will be responsible for timely execution of reviews within their respective organizations.

3. The Soil Remediation IM/IRA shall, to the greatest extent practicable, be consistent with and contribute to the efficient performance of final response actions consistent with sections 104 and 121 of CERCLA. The Soil Remediation IM/IRA will be consistent with guidance for implementing interim actions under remedial authority provided in the preamble to the NCP (55 FR 8704, March 8, 1990). If this IM/IRA will not fully address the threat posed by a release and further response is required, DOE shall ensure an orderly transition from IM/IRAs to Final Response Actions. Every effort shall be made to avoid duplication between this IM/IRA and Final Response Actions. At the time of implementation of Final Response Actions, the actions completed under this IM/IRA will either end or be incorporated as part of the Final Response Actions. The Soils Remediation IM/IRA shall include provisions which will eliminate, or minimize to the extent possible, the spread of contaminants or re-suspension of contaminants at or from the site. The Soil Remediation IM/IRA may be implemented across OU boundaries.

5. The Soil Remediation IM/IRA shall, to the maximum extent practicable, attain Applicable or Relevant and Appropriate Requirements (ARARs).
 - a) The EPA and State shall have the opportunity to participate, at the initiation of the IM/IRA, in the identification and selection of ARARs that may be applicable. DOE shall initially propose ARARs in the draft Decision Document.
 - b) If the EPA or State disagrees with DOE's selection of ARARs, such disagreement shall be subject to Dispute Resolution, as provided in Paragraph 2, or pursuant to such other process as DOE, the EPA and the State may agree in writing.
6. DOE shall issue a proposed IM/IRA Decision Document for the Soil Remediation IM/IRA subject to this paragraph.

The proposed IM/IRA Decision Document shall be a concise document that:

- (a) indicates the objective of the IM/IRA;
- (b) discusses alternatives that were considered;
- (c) provides the rationale for selecting alternatives to be used by DOE;
- (d) presents DOE's final ARAR decision;
- (e) if appropriate, discusses how the interim remedy selected will be consistent with the anticipated final remedy; and
- (f) summarizes the significant comments received regarding the IM/IRA and DOE's responses to those comments.

In addition, the Decision Document will contain the plans and procedures for the conduct of capping and soil excavation. This will include engineering requirements (plans and specifications) for caps or covers. The Decision Document will also specify the methods of excavation, transportation, treatment (if required), storage and disposal to be considered for each proposed soil remediation. The criteria for a finding of No Further Action (NFA) will also be presented in the Decision Document.

7. The Soil Remediation IM/IRA Decision Document shall be subject to a 30-day public comment period during which the EPA, State and any other person may comment on the proposed IM/IRA Decision Document. DOE shall prepare a response to all significant comments received in written and oral presentations during the comment period. DOE shall hold a public hearing on the Soil Remediation IM/IRA Decision Document, if requested to do so by the public, EPA or the State. Notification procedures shall be in accordance with

section II.A.5 of the Agreement. DOE shall select the location of each public meeting. The Soil Remediation IM/IRA Decision Document shall be supported by a publicly available record per the provisions of Section II.A.5 of the Agreement. This record shall incorporate significant facts, documents and decisions concerning the IM/IRA, as well as all public comments received and DOE's response to significant public comments. Within 20 days after the close of the comment period, DOE shall transmit to the EPA and State a draft final IM/IRA Decision Document. The draft final IM/IRA Decision Document shall address the issues noted in paragraph 5, shall summarize the comments received on the proposed IM/IRA Decision Document, and shall include DOE's responses to those comments.

8. After issuance of a draft final IM/IRA Decision Document, all Parties will have 20 days to resolve differences or invoke dispute. The determination that the Soil Remediation IM/IRAs is necessary and appropriate shall not be subject to Dispute Resolution or judicial review.
9. After close of the period for invoking Dispute Resolution, if Dispute Resolution is not invoked, or after completion of Dispute Resolution, if invoked, DOE shall issue a final IM/IRA Decision Document to the EPA and State. The IM/IRA Final Decision Document shall be considered the equivalent of a Record of Decision.

The public shall be notified of the availability of the final IM/IRA Decision Document and the record supporting it. The supporting Administrative Record shall include, but not be limited to, significant facts and studies supporting the initial decision to conduct the IM/IRA, all comments received concerning the final decision on the action, EPA and State comments concerning the IM/IRA, and the DOE's response to significant comments.

10. Following completion of all data assembly as specified in the Soil Remediation IM/IRA Decision Document, DOE shall issue an IM/IRA Implementation Document for each site. The Implementation Document for each site will be a brief summary of the data for the site, a recommended action, and an explanation of how the proposed action meets the criteria set forth in the Decision Document. Final drawings, specifications (if modified from those presented in the Decision Document) and the final design analysis for site specific implementation of the IM/IRA will be included in the Implementation Document.

After issuance of a Soil Remediation IM/IRA Implementation Document, all Parties will have 20 days to resolve differences or invoke dispute.

Small volumes of contaminated materials (hot spots) may be excavated and handled per the requirements of the Decision Document without issuance of separate Implementation Documents or other form of regulatory approval. Hot spots are defined as soil volumes less than 5 cubic yards in volume. Soils removed as hot spots will be handled (transported, stored and treated) as specified in the Decision Document. A Closure Report (Paragraph 12) will be issued for each hot spot removal action.

DOE shall prepare monthly progress reports to keep EPA and the State apprised of the progress of the activities required for implementation of the IM/IRA. The progress reports shall provide information regarding status of work performed during the previous month, consisting of action specific details including, but not limited to; number of wells drilled, samples taken, status of construction work for all remedial/corrective actions taken, problems encountered and their resolution, status of analytical results, and results of environmental monitoring related to remedial/corrective action. If the EPA or State believes that any IM/IRA is being designed or implemented in a way that will not meet the objectives for the IM/IRA set forth in the final IM/IRA Decision Document or IM/IRA Implementation Document or is otherwise not being properly implemented, it may so advise the others and shall recommend how the IM/IRA should be properly designed or implemented. Any Party (DOE, the EPA or State) may invoke Dispute Resolution to resolve the disagreement.

11. IM/IRA Deadlines may be extended for good cause in accordance with the provisions of Part 42 of the Agreement.
12. A Completion Report will be prepared for each action when all work is completed and analytical data are validated. The report will consist of a brief description of the work which was completed, exceptions to the original plan, and analytical results. The results of confirmatory sampling, taken to verify completion of the action, will be included in the report. The Completion Report will be part of the permanent IM/IRA record.
13. At any time prior to the issuance of the Operable Unit ROD, any Party may submit a concise written statement to the other Parties which requests consideration by the Parties of the need for additional action or modification of any IM/IRA because of information that was not available, or conditions that were unknown, at the time that the IM/IRA Decision Document was finalized. The statement shall be accompanied by a supporting technical study and, if deemed appropriate by the proponent of the additional action or modification, a legal memorandum. In the event that a unanimous agreement is not reached by the Parties on the need for additional action or modification, the additional action or modification may be raised by any Party for Dispute Resolution.